

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**FWP Headquarters – 1420 East 6<sup>th</sup> Avenue - Helena, MT**  
**MARCH 8, 2012**

**Commission Members Present:** Bob Ream, Chairman; Ron Moody; A.T. Stafne; Shane Colton.

**Fish, Wildlife & Parks Staff Present:** Joe Maurier, Director, and FWP Staff.

**Guests:** March 8, 2012 Commission file folder contains sign-in sheet.

A **Work Session** was held March 7 to discuss the FWP Annual Report, the past wolf hunting season, and alternatives for the next season. Additionally, County Commissioners from several Montana counties participated in a large carnivore scoping discussion with the Commission.

A **Work Session** was held immediately following the Commission Meeting on March 8 to discuss the status of the CSKT water rights compact, and details of a possible Robb Ledford land exchange.

**Topics of Discussion:**

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of February 16, 2012 Commission Meeting**
3. **Approval of Commission Expenses through February, 2012**
4. **Commission Reports**
5. **Director's Report**
6. **Canyon Ferry Reservoir and Lake Helena Commercial Fishing Regulations – Final**
7. **Future Fisheries Projects – Winter Cycle – Final**
8. **Keep Cool Hills Cooperative Management Area Rule – Proposed**
9. **2012 Peregrine Falcon Take – Final**
10. **Traveler's Rest Visitor Center Acquisition – Proposed**
11. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. **Call to Order - Pledge of Allegiance.** Chairman Ream called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. **Approval of the Commission Meeting Minutes of February 16, 2012.** *Action: Colton moved and Moody seconded the motion to approve the February 16, 2012 minutes with the clarification that the intent of his motion under the Mountain Lion section ("Colton also proposed that an unsuccessful special lion license applicant be able to purchase a general mountain lion license valid in any open district for both the fall and winter seasons") was only for Region 2 and not meant to be statewide. Colton asked staff to develop and present a proposed remedy at the April meeting. Motion carried.*

3. **Approval of the January Commission Expense Report.**

*Action: Colton moved and Moody seconded the motion to approve the expense report as presented. Motion carried.*

4. **Commission Reports.**

**Colton** reported that archery elk discussions are ongoing, but some anxieties were alleviated by the FWP press release explaining the issue. The March 15 deadline has been widely publicized, and it is important that it continues to be.

**Moody** said traditional farm and ranch land usage is changing as new buyers purchase the land for recreational use, for private hunting, or for nature lovers whose goal is to protect animals. Hunter education must be scheduled to assure youth can complete the course before the March 15 deadline.

**Stafne** reported that the tribal bison transfer agreement is being currently being developed.

**Ream** reported that good ideas came from the work session on wolf scoping. He narrated a power point presentation on predator-prey ecosystems.

5. **Director's Report.** Director Maurier reported on the bison litigation. The hearing is scheduled for August.

Dave Risley, FWP Fish and Wildlife Division Administrator, reported that the Department of Agriculture has begun the rule making process designating significant portions of Montana as water milfoil management areas. Once the rules are passed there will be bait restrictions, however FWP can make exceptions via Department rules. A public comment period will be provided. Risley noted that the March 15 application deadline change created a lot of angry constituents; staff is handling them to the best of their ability. FWP continues to get the word out on the deadline change.

Ron Aasheim, FWP Communication and Education Bureau Chief, reported that information on the March deadline change was provided to license agents, sportsmen's groups, outdoor editors, and interested parties. Flyers and posters were developed and provided to sporting goods stores, postcards went out, and application packets contained the information. YouTube and an extensive media campaign was also utilized to get the word out. The FWP website has received 58,000 hits since January.

Risley noted two recent personnel changes. T.O. Smith resigned from the Strategic Planning and Data Services Unit, which will now be revamped to make it more efficient, and George Pauley was recently hired to take over the Management Section in the Wildlife Bureau. Pauley comes to FWP from the Idaho Fish and Game, and has worked a great deal on wolf issues. He begins work at FWP on April 16.

Ken McDonald, FWP Wildlife Bureau Chief, stated that subsequent to the retirement of Steve Knapp and Jeff Herbert, the Bureau took the opportunity to reorganize. George Pauley will take over the Management Section in the Wildlife Bureau, doing much of which Quentin Kujala has done. Kujala assumed responsibilities previously performed by Herbert, however involvement with flyways will be minimized, and he will focus more on coordinating large project such as Brucellosis. Rick Northrup is now the Chief of the Habitat Section and will oversee habitat programs. His previous position, which is still vacant, will focus on conservation and enhancement of wetlands and sage grouse habitat.

**6. Canyon Ferry Reservoir and Lake Helena Commercial Fishing Regulations – Final.** The FWP Commission is statutorily authorized to approve one commercial fishing operation and associated regulations for each body of water annually. Don Skaar, Fisheries Bureau, reminded the Commission that FWP received an application for a 2012 commercial fishing permit to harvest carp via active seining from Canyon Ferry Reservoir and Lake Helena. Three comments were received during the public comment period - one stated that this type of fishing didn't work in Michigan, one was concerned that there will be non-target species killed in the nets, and the third feared that netting will eliminate a forage species for walleye, rainbow trout, otters and mink. Skaar stated that FWP feels these impacts are unlikely as by-catch is minimal and the permit requires that non-target species be released, Carp are rarely found in the stomachs of rainbow trout, nor are they the food choice of Walleye.

*Action: Colton moved and Moody seconded the motion to approve the regulations for a commercial fishing operation on Canyon Ferry Reservoir and Lake Helena for 2012. Motion carried.*

**7. Future Fisheries Projects – Winter Cycle – Final.** Bruce Rich, FWP Fisheries Bureau, explained that the Citizen Review Panel recommends funding ten proposals at a program cost of \$278,695. Matching funds or in-kind contributions from outside sources total \$1,014,641.

*Action: Colton moved and Moody seconded the motion to approve the Future Fisheries Citizen Panel funding recommendations for the Winter 2012 funding cycle of the Future Fisheries Improvement Program. Motion carried.*

**8. Keep Cool Hills Cooperative Management Area Rule – Proposed.** Quentin Kujala, FWP Wildlife Bureau, explained that through FWP Commission rule, a 15,000-acre Cooperative Management Area north of Lincoln was established in 2007 to manage public access. Prior to this rule, unmanaged public access resulted in vandalism and significant resource damage to land in the area, causing landowners to consider closing their land to public access. Sieben Ranch Company owns most of the land, with some parcels owned by the Nature Conservancy and DNRC. This agreement has proven successful, with landowners and FWP pleased with the arrangement.

*Action: Moody moved and Colton seconded the motion to approve the Keep Cool Hills Hunting Access and Recreation Management Area Biennial Rule as recommended by the Department.*

Rod Bullis said he supports this rule and asked the Commission to endorse it.

*Action on Motion: Motion carried.*

**9. 2012 Peregrine Falcon Take – Final.** Quentin Kujala, FWP Wildlife Bureau, stated there were no changes to the proposals, which were approved by the Commission in January. Of the 126 comments received during the public comment period, the majority supported the proposal with only a few expressing opposition to either the proposed take or to falconry in general. The Montana Falconers Association expressed support.

The proposal:

- authorize take of five nestling or fledged peregrines in 2012 and five in 2013 by residents through a quota system.
- the quota for take in 2013 will be reduced accordingly if the quota is exceeded in 2012.
- any over-harvest during the total two-year take period will be considered in the subsequent year's regulations process.
- authorize take of one nestling or fledged peregrine in 2012 or 2013 through a nonresident permit system.
- nonresident take will be regulated through the nonresident falconry ARM rule.
- nonresident take will be regulated through a permit system.
- restrict take to June 1-August 31.
- limit take to one peregrine per year per falconer.
- a successful resident or nonresident falconer who takes a peregrine will be required to wait two years before attempting to take another peregrine.
- general and master falconers only are allowed to take peregrines.
- prohibit take from eastern Montana to encourage expansion of the breeding population,
- prohibit take from certain nests of high value wildlife viewing opportunity and/or part of on-going agency approved research efforts,
- prohibit the sale, barter or exchange of birds from the wild.

*Action: Colton moved and Moody seconded the motion to approve FWP's recommendation to authorize the take of up to 10 peregrine falcons for falconry purposes by residents and one peregrine falcon for falconry purposes by nonresidents during the 2012-2013 take period. Motion carried.*

**10. Traveler's Rest Visitor Center Acquisition – Proposed.** Chas VanGenderen, FWP Parks Division Administrator, explained that FWP proposes to acquire approximately 24 acres of land complete with a visitor center building and museum collection to annex into Travelers' Rest State Park. The land consists of 3 parcels. Parcel A is approximately 10 acres of riparian habitat along Lolo Creek (FWP already holds a conservation easement on this property), Parcel B is approximately 12 acres and is currently used for grazing, and Parcel C is the museum and visitor center. It is expected that \$300,000 of Land and Water Conservation Fund monies will be provided, with matching funds coming from the Missoula County Open Space Bond Fund (sponsored by Five Valleys Land Trust), and a \$100,000 donation from the Travelers' Rest Preservation and Heritage Association and the Missoula Community Foundation from community fundraising efforts.

*Action: Colton moved and Moody seconded the motion that the Department pursue the acquisition of these three parcels of land as part of Travelers' Rest State Park.*

Bruce Mihelish, Travelers Rest Preservation Association, said he and 30-40 volunteers and 12 board members are in favor of this proposal, and they are hoping for support from the Commission. They have a fund raising effort underway.

*Action on Motion: Motion carried.*

## **11. Open Microphone.**

Jerry Deal, Thompson Falls, said he feels the residents should have more say than anyone in decisions. FWP is managing game poorly. The number of big game tags has been reduced in half. Shooting two elk is not management. Elk are stressed by wolves 24/7, and are bedding down by highways to get away from predators.

Don Clark said to leave mountain lion hunting the way it was.

Tom Barnes, MTA, said it is the time to trap and snare wolves to control their numbers, and to begin as soon as possible.

Colton stated that it is necessary to see what a trapping season would look like. It will take coordination.

Bill Cunningham, Back Country Hunters and Anglers, stated that he hunts in a traditional fashion by canoeing on the river through the Breaks to remote areas. There is no other opportunity for an extended canoe hunt in a primitive environment.

His group feels they are being left out when it comes to opportunities; they say they are being displaced by power boats. He provided a short video showing motorboats disrupting the quiet.

Bob McLeaod also hunts the Missouri River Breaks primitively. He has floated in a dozen times and hunted by canoe on three occasions. It is an incredible back country experience. Motor boats disrupt that experience.

J. W. Weston, Park City, said that motorboats ruin his primitive hunting experience. He likes the quiet canoe experience, and asked why their type of experience should trump his.

Mike Penfold said he is against jet boats in the Missouri River Breaks. Harboring is happening.

Greg Munther said he is dedicated to protecting wild habitat so he can enjoy the traditional outdoor experience, which is being displaced by "the fast and the furious" jet boats. He asked the Commission to manage the recreational uses and to maintain the traditional use. He requested that the Commission confer with the Region to come up with a solution.

Ream asked what options the BLM has regarding the Wild and Scenic. He said there are restrictions on motorized use.

Penfold said BLM has responsibility for campsites and roads, but FWP has management of surface waters.

Cunningham said BLM restrictions are only in place there during a particular time of the year – there are none after hunting season begins.

Gary Bertellotti, FWP Region 4 Supervisor, stated that FWP works consistently with BLM. In this case, BLM sets the rules, and during the float season boats can go downstream only, with no wake. Increased traffic is caused by the value of the hunting opportunity because road access is limited; land ownership is private and access is cut off so this is how they access hunting opportunities. It has been discovered. He will talk with BLM about the concerns raised today.

Joe Perry said hunters are forced to key in on any public land they can get access to.

Ream asked how many of these jet boaters are outfitters taking clients into the back country to hunt.

Cunningham said they see license plates from other states, so it appears to be outfitting, but he does not know that definitively. If there is outfitting going on, it is illegal.

Bertellotti stated that the quality of wildlife resources in this area have become a nationwide trophy area over the last few years. Quality is exceptional, and that fact has been noticed by the sporting public.

Colton said access is difficult now. It is an amazing place to hunt, and he does not want to see it become a freeway for boats.

Bertellotti committed to meeting with BLM to see what options are on the table.

~~~~

*Action: Colton moved and Moody seconded the motion to adjourn the meeting. Motion carried.*

The meeting adjourned at 11:00 a .m.

---

Bob Ream, Chairman

---

Joe Maurier, Director